

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-4, 16, 17, 19, 20, 22-34, and 36-40 are pending in the application. Claims 1-4, 7-14, 16-17, 19-20, 22-24 and 39 are amended without prejudice hereby. Claims 1-4, 7-14, 16, 17, 19, 20, 22, 23, and 39 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1-4, 7-8, 11-14, 16-17, 19-20, 22, 24, 27-28, 31-34, 37-37 and 39-40 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,432,850 Takagi ("Takagi") in view of U.S. Patent No. 5,774,236 Rohrbach ("Rohrbach"). Claims 9-10, 23, 29-30 and 38 are rejected over Takagi in view of Rohrbach and further in view of U.S. Patent No. 4,803,096 to Kuhn ("Kuhn"). Claims 1-4, 7-8, 11-14, 16-17, 19-20, 22-24, 27-28, 31-34, 36-37 and 39-40 are rejected under 35 U.S.C. 103(a) over Takagi in view of Rohrbach and Sillaots or Alex. Claims 9-10, 23, 29-30 and 38 are rejected under 35 U.S.C. 103(a) over Takagi in view of Rohrbach and Sillaots or Alex and further in view of Kuhn. Applicants traverse and respectfully request reconsideration and withdrawal of the rejections thereto.

II. THE REJECTIONS UNDER 35 U.S.C. § 112 HAVE BEEN OVERCOME

As regards the rejections under 35 U.S.C. §112, Applicants have amended the claims to recite "fabric" instead of "belt" to render the language of the claims consistent with that of the specification. Applicants note, however, that an ordinarily skilled artisan would recognize that the specification has written description support for industrial belts and that the claims cover

industrial belts. An ordinarily skilled artisan would understand that an industrial fabric used in making nonwoven textiles in the airlaid, meltblown, or spunbonding process is in belt form.

III. THE REJECTIONS UNDER 35 U.S.C. § 103(a) HAVE BEEN OVERCOME

Claims 1-4, 7-8, 11-14, 16-17, 19-20, 22, 24, 27-28, 31-34, 37-37 and 39-40 stand rejected under 35 U.S.C. §103(a) over Takagi in view of Rohrbach. As Applicants have pointed out in the prior response, Takagi's garment fabrics, which have a liner density of 200 denier or less, cannot be used as an industrial fabric in an airlaid, meltblown or spunbonding process.

At page 14, the Office Action proffers three rationales as justification for dismissing Applicants' evidence. The Office Action's dismissal is improper, for the reasons that follow.

First the Office Action states that it is not clear that the Exhibit I is drawn to an industrial belt (fabric). The Exhibit explains that the belts disclosed in the Exhibit are for use on Reicofil machines. See pages 1, 4, 6, and 8-10. Applicants respectfully direct the Office Action's attention to www.reicofil.com, where the machines used for its spunbonding and meltblown lines are shown. A cursory review of the website and the machines therein, should suffice to demonstrate that the Exhibit refers to an industrial fabric.

Second, the Office Action alleges Exhibits I and II are not sufficient evidence because they are drawn to PET, polyester, and nylon, instead of "the broad range of materials covered by the claim." The Office Action has incorrectly shifted the burden of proof. The material Takagi uses to exemplify its single fibers of 10-220 denier, and preferably 10-100 denier, is polyester, and polyimide (nylon 6, nylon 66, etc.). See Col. 3, line 69 to Col. 4, line 7; Col 4 lines 27-30 to Takagi.

The Exhibits clearly show that Takagi's yarns are utterly inappropriate for the claimed industrial fabrics. In particular the evidence shows, as the Office Action acknowledges, that

polyester and nylon – the very yarns Takagi disclose – must be of far greater strength and have far greater diameter and linear density to meet the requirements for industrial fabrics. The Office Action has not provided any art that discloses or otherwise suggests that Takagi's yarn with a 200 denier or less can serve an industrial fabric, whereas Applicants have explained and provided evidence that the yarns of the art of record cannot.

Thus Applicants urge that Applicants have met any evidentiary burdens Applicants may have had, whereas Takagi fails to disclose any yarn usable in an industrial fabric.

Lastly, the Office Action asserts that Applicants have not shown that all industrial fabric fibers must have denier greater than 200 denier. Applicants first clarify that Applicants' prior response did not argue that all industrial fabric fibers must have a denier of 200 denier or greater, but those used in an industrial fabric used in making nonwoven textiles in the airlaid, meltblown or spunbonding processes do. As Applicants have already amply explained, fibers of 200 denier or less cannot withstand the stresses from applied tension, stretching, heavy loads, high speed and side-to-side movement, and thermal extremes and shocks attending the claimed processes.

Accordingly, Applicants suggest that as Takagi is deficient as a reference, and as nothing in Rohrbach cures Takagi's deficiency, the above-recited claims are presently in condition for allowance and thus Applicants urge reconsideration and withdrawal of the rejections thereto.

Claims 1-4, 7-8, 11-14, 16-17, 19-20, 22-24, 27-28, 31-34, 36-37 and 39-40 are rejected under 35 U.S.C. 103(a) over Takagi in view of Rohrbach and Sillaots or Alex.

As explained in the prior responses, industrial fabrics (belts) used in making nonwoven textiles by airlaid meltblown, and spunbond processes must have air permeability (see page 3 of Exhibit 1), or else the belt would be inoperable. The Office Action disagrees at page 15 of the Office Action, alleging that "applicant asserts the claimed industrial belt...must be impermeable

to liquids,” and that the “current specification does not even mention a belt used in a wet application,” and that “the specification only mentions a belt used in a dry application.” With all due respect, the Office Action misinterprets the Applicants’ arguments. Applicants make no reference to wet processes or liquid permeability whatsoever. As Applicants’ stated at page 13 of the prior response, “industrial belts used in making nonwoven textiles by airlaid, meltblown and spunbond processes have to have air permeability (See page 3 of Exhibit I) or else the belt is rendered useless due to inoperability in a nonwoven forming environment.” As an ordinarily skilled artisan understands, industrial belts used in making airlaid, meltblown and spunbond processes must be **permeable to air**.

Accordingly, and as Applicants have amply evidenced, the recitation of a fabric for “making nonwoven textiles in the airlaid, meltblown or spunbonding processes” clearly conveys a structural characteristic such as air permeability, which is necessary for such a fabric, to an ordinarily skilled artisan. Hence the recitation cannot be dismissed as an intended use in view of the structure that the recitation conveys to an ordinarily skilled artisan. See M.P.E.P. §2173.05(g).

Finally, the Office Action dismisses Applicants’ arguments showing that Sillaots teaches a cross-lapping machine, which (a) is not used in airlaid, meltblown or spunbonding process and (b) teaches impermeable coated belts. At page 15, the Office Action merely repeats that “it is known in the nonwoven marking belt art to use antistatic plastics.” In view of Applicants’ prior arguments directly addressing this allegation, Applicants disagree. In short, Sillaots does not teach anti-static properties, as there is no need for static dissipation between fibers of the web on a belt and the belt itself.

In view of the deficiencies of the art cited as well as the improper argumentation and dismissal of the evidence, Applicants believe all the claims are presently allowable urge reconsideration and withdrawal of the rejections.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

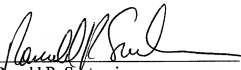
In view of the foregoing amendments and remarks, all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

The Commissioner is authorized to charge any additional fees that may be required to Deposit Account No. 50-0320.

Respectfully submitted,
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